

AMENDMENT UNDER 37 C.F.R. § 1.111Q76579
U.S. Application No. 10/628,431

AMENDMENTS TO THE DRAWINGS

Please replace Figures 3 and 11 with the attached, replacement Figures.

Attachment: Two (2) Replacement Sheets

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REMARKS

With this Amendment, Applicants amend claims 1 and 8, cancel claims 9, 10, and 27, and add new claims 28-37. Therefore, claims 1-8, 22-26, and 28-37 are pending in this Application. Claims 1-8, 11-14, and 28-37 are currently under consideration.

With the current Office Action, the Examiner acknowledges Applicants' claims to foreign priority and the receipt of the certified copies of the priority documents. The Examiner also returns a signed and initialed copy of the substitute Form 1449 A & B/PTO submitted with the Information Disclosure Statement of October 29, 2003.

Title

The Examiner indicates that "The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed." (Office Action, p. 2). Applicants respectfully submit that the title of the invention: "METHOD AND APPARATUS FOR DETERMINING THE INFLUENCING OF THE STATE OF POLARIZATION BY AN OPTICAL SYSTEM; AND AN ANALYSER" is perfectly descriptive, as indicated by the field of the invention, which describes: "The invention relates to a method for determining the influencing, caused by an optical system, of the state of polarization of optical radiation to an aberration correction method and to an apparatus, suitable for carrying out such a method, and to a polarization analyser arrangement which can be used in the latter."

Applicants respectfully request that the objection to the title be reconsidered and withdrawn. If the Examiner maintains that the title of the invention is not descriptive, Applicants

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respectfully request that the Examiner provide an explanation of why the title is considered not descriptive, or provide a suggestion for an amended title.

Drawings

The Examiner indicates that the drawings are objected to because Figures 3 and 11 contain German legends. Applicants provide replacement Figures 3 and 11, herewith, including legends in English.

Applicants respectfully request that the objection to the drawings be reconsidered and withdrawn.

Claim Amendments and Cancellations and New Claims

Claim 1 is amended to incorporate a limitation of claim 4. Claim 4 is amended to remove the limitation incorporated into claim 1. New claim 28 incorporates the limitations of claim 1 and claim 3. New claims 29-32 depend from claim 28 and incorporate the limitations of claims 2, 4, 5, and 6, respectively.

Claim 8 is amended to incorporate the limitations of claims 9 and 10. Claims 9 and 10 are cancelled. New claim 33 incorporates the limitations of claim 8 and claim 9. New claims 33-38 depend from claim 32 and incorporate the limitations of claims 10-14, respectively.

The claims are also amended for purposes of clarity and in relation to the §112 rejection of the claims, as discussed below.

Claim 27 is cancelled.

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Claim Rejections — §112, second paragraph

Claims 1-6, 8-14, and 27 stand rejected under 35 U.S.C. § 112, second paragraph. With this Amendment, Applicants amend the claims for purposes of clarity and to conform with U.S. practice. Applicants respectfully request that the §112 rejection of claims 1-6, 8-14, and 27 be reconsidered and withdrawn.

Claim Rejections — §102

Claims 1, 2, 8, 14, and 27 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Ouchi '673 (U.S. Patent Publication 2002/0024673). Claims 1-3, 8, 12, 14, and 27 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Ohuchi '468 (U.S. Patent 4,798,468). Applicants respectfully traverse these rejections.

Regarding claim 1, Applicants submit that neither Ouchi '673 nor Ohuchi '468 discloses or suggests carrying out an ellipsometric measurement, as claimed. Rather, these reference teach determination of the polarization state through a determination of the wavefront.

Therefore, Applicants submit that claim 1 is patentable over the cited references and that claims 2-6 are patentable at least by virtue of their dependence on claim 1.

Regarding claim 8, Applicants submit that neither Ouchi '673 nor Ohuchi '468 discloses or suggests "the means for providing the entrance-side radiation includes a perforated mask in an object plane of the optical system and a first polarization means, upstream from the perforated mask; and the first polarization means includes a polarizer unit and/or a compensator unit in serial arrangement, which can be set to various spatial orientations," as claimed.

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Therefore, Applicants submit that claim 8 is patentable over the cited references and that claims 11-14 are patentable at least by virtue of their dependence on claim 8.

Applicants respectfully request that the §102(b) rejections of the claims be reconsidered and withdrawn.

New Claims in view of Cited References

Regarding new claim 28, Applicants submit that neither Ouchi '673 nor Ohuchi '468 disclose or suggest "wherein spatially incoherent point light radiation emanating from the object plane of the optical system is provided as entrance-side radiation." Rather, these references teach that *time incoherent* point light radiation is used.

Therefore, Applicants submit that new claim 28 is patentable over the cited references and that new claims 29-32 are patentable at least by virtue of their dependence on new claim 28.

Regarding new claim 33, Applicants submit that neither Ouchi '673 nor Ohuchi '468 disclose or suggest "the means for providing the entrance-side radiation includes a perforated mask in an object plane of the optical system and a first polarization means, upstream of the perforated mask," as claimed.

Therefore, Applicants submit that new claim 33 is patentable over the cited references and that new claims 34-37 are patentable at least by virtue of their dependence on new claim 33.

Entrance and allowance of new claims 28-37 is respectfully requested.

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Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Laura Moskowitz
Registration No. 55,470

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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